

Under the PLRA, a prisoner bringing a civil action must pay the full filing fee of \$350 requires by 28 U.S.C. § 1914(a). The statute merely provides the prisoner the opportunity to pay the filing fee in monthly installments. 28 U.S.C. § 1915(b). However, in this case, no part of the filing fee was paid prior to Payne’s release. Under these circumstances, the Sixth Circuit has held “the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status.” *McGore v. Wrigglesworth*, 114 F.3d

601, 613 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

Payne must either renew his pauper status or pay the civil filing fee. Therefore, he is ORDERED to submit, on or before March 31, 2020, either a non-prisoner *in forma pauperis* affidavit or the entire \$400 filing fee.¹ The Clerk shall mail Payne a copy of the non-prisoner *in forma pauperis* affidavit form along with this order.

If Payne fails to comply with this order in a timely manner, the Court will dismiss this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The civil filing fee is \$350. 28 U.S.C. § 1914(a). Under § 1914(b) and the Schedule of Fees set out following the statute, an administrative fee of \$50 for filing any civil case also is required. Because that additional \$50 fee does not apply if leave to proceed *in forma pauperis* is granted, only the \$350 fee was assessed in the February 18th order. If Payne does not renew his pauper status he will be responsible for the entire \$400 fee.